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2 UNITED STATES BANKRUPTCY COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 05-44481-RDD (Jointly Administered)

6 In the Matter of:

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8 DPH HOLDINGS CORP., et al.,

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10 | Reorganized Debtors.

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United States Bankrupt

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White Plains. New York

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18 Decembe

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18 December 17, 2010

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23 HON ROBERT D BRAIN

U. S. BANKRUPTCY JUDGE

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1 THE COURT: No, but again, we're talking about -- I'm
2 sorry maybe this terminology is misleading people. But the
3 universal issue is whether each complaint, A, is one that
4 passes muster for purposes of a Rule 15 motion. And B, as a
5 subset of that, would meet Twombly and Iqbal. And obviously
6 they're going to have to, in answering that question for each
7 complaint; they're going to have to respond to each objector's
8 individual position as to whether the complaint does that. And
9 they're going to have to do it either by, you know, two or
10 three paragraphs on each objection or a long chart detailing
11 each objection. But they're going to have to show that, yes,
12 we have alleged the antecedent debt because, you know,
13 notwithstanding what the objection says X or Y or whatever,
14 whatever they come up with.

15 MS. CALTON: Well this is a unique futility issue and,
16 I guess the point that I believe Mr. Winsten was trying to make
17 is Delphi should be directed to pay their attention to it.
18 Yes, it won't be heard on February 17th --

19 THE COURT: No, no. It will be heard.

20 MR. WINSTEN: It's going to be heard.

21 THE COURT: It's going to be heard. It'll be heard on
22 the 17th.

23 MS. CALTON: Okay.

24 THE COURT: They have to respond in their brief to
25 that. That's not something that need to take discovery on and